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MEMO ENDORSED

September 22, 2022

**VIA ECF**

The Honorable Colleen McMahon  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

OK  
Colleen McMahon  
9/27/2022

Re: G.A. and M.J.A. obo R.A. v. DOE, et. al., 21-CV-4551 (CM)

Your Honor:

I am a Senior Counsel in the Office of the New York Corporation Counsel and the attorney assigned to replace former counsel Copatrick Thomas in the above referenced matter in July 2022. I submit this status report on behalf of the parties with the consent of counsel for Plaintiffs Elisa Hyman. The parties respectfully request that the parties be able to submit a further status report to the Court on settlement by October 24, 2022, with an additional status report in two weeks, by October 6<sup>th</sup>, as to whether the parties need a non-party subpoena for additional records as outlined below.

Since the submission of the last status report on August 22, 2022, the undersigned obtained the complete underlying documentation of service accounting that is accessible to the client agency DOE and provided same to Ms. Hyman. However, there are also records within the possession of the Hawthorne Country Day School ("Hawthorne"), whose records the DOE does not have access to. The parties are in the process of reaching out to Hawthorne to determine whether they can provide the necessary service records based on a simple records request or if a subpoena will be necessary. Once the parties obtain the Hawthorne records we will have the fulsome up-to-date service accounting for the parties to be able to engage in meaningful settlement discussions. The

parties are working actively to resolve this case without further litigation. While there has been some delay due to the undersigned's recent transition onto this matter, the parties are on track and jointly committed to settlement without having to engage in expensive discovery.

I thank the Court for its time and consideration of the parties' brief request for an extension of time to submit a further status report on settlement to October 24, 2022, and a status report on whether the parties need a subpoena to obtain records from Hawthorne by October 6, 2022.

Respectfully submitted,

*Kimberly Joyce /s/*

Kimberly Joyce

cc: All Counsel (ECF)